

**PLANNING COMMISSION MINUTES OF AUGUST 22, 2005**

**2005-0625 – Tasman Morse Partners** [Applicant] **Berg Family Partners, LP** [Owner]: Application for related proposals on a two parcel 3.8 acre site located at **405 Tasman Drive and 1122 Morse Avenue**, (at the intersection of Morse and Tasman) in an R-4/P-D (High-Density Residential/Planned Development) and MS/ITR/R-3/P-D (Manufacturing and Service/Industrial to Residential/Medium-Density Residential/Planned Development) Zoning Districts. (Mitigated Negative Declaration) (APN: 110-29-007, 110-14-167) KD

- **Special Development Permit** to allow the construction of 72 townhomes, and
- **Tentative Map** to subdivide two lots into 10 lots for condominium purposes and two common lots.

**Kelly Diekmann**, Associate Planner, presented the staff report. He said staff supports this project as proposed. He said due to site restraints to the R-4 parcel to provide for a higher-density product that the site would probably require underground parking. He commented that the applicant has enhanced the pedestrian walkways since this was originally discussed at the Study Session making this a more pedestrian-oriented environment. He pointed out that the sidewalk width is affected by the mature street trees making the sidewalk narrower in certain places. Staff noted that there is a Study Issue in process regarding Community Rooms and that this project has a proposed 72 units which may or may not be an appropriate number of units to require a Community Room with the development. Since the Study Issue is not completed, that number is not yet determined. He said if a clubhouse were added to this project it would either reduce open space, landscaping or the unit numbers so staff does not recommend a clubhouse due to potential deviations to the landscaping or other reductions. The applicant has provided a barbecue area with a semi-permanent pergola.

**Mr. Diekmann made the following corrections to Staff Report:** in the motion section for the Tentative Map on page 1 of the report, the motion should be changed to “**Tentative Map to subdivide two lots into 11 lots for condominium purposes and three common lots.**” In the **Conditions of Approval (COA)** the following changes should be made: **COA 1.E.c. to read “Maximum height of 2.5 stories and 45 feet as measured from top of curb.”; change COA 5.C. to read “Provide a decorative emergency vehicle egress on the north site near the corner of Tasman and Morse if required by the Bureau of Fire Prevention.”; delete COA 16.A. related to cross access as due to various conditions that would severely compromise the ability to meet ADA requirements for that walkway; change COA 16.B. to read “Record a maximum of a 10-foot wide cross access landscaping and walkway easement along the east property line to allow for shared access for future**

**residential development to the east.”; change COA 16.B.a. change both instances of the word sidewalk in the condition to “sidewalk(s)”;** **change COA 16.B.b. to read “The subject property may request final design authorization for said units and adjacent improvements 60 days prior to occupancy if a final action on a Special Development Permit for the abutting eastern property is not completed. Such a design may include walkway and fences separating the properties installed on the subject property.”;** **change COA 16.B.c. to include “and the applicant may include language allowing for indemnification and liability protection.”.**

**Comm. Babcock** asked staff if it would be possible to reduce the size of some of the units to get the 900 square feet to include a Community Room. Staff said it does not really work with the foot print of the townhomes due to the garage size, but that some linear feet might be attained. Comm. Babcock asked if the Community Room had to be a separate building or could it be attached to the end of a building. Staff said either way would be acceptable, but it might create a privacy issue for the end units if a Community Room were added to the end of the building. Trudi Ryan, Planning Officer, commented that with the Community Room Study Issue not yet completed that the threshold for requiring a Community Room is yet to be determined. Ms. Ryan said the Study Issue will evaluate what we have done, what other cities are doing and include discussion with developers that do not have projects pending in Sunnyvale.

**Comm. Simons** asked for clarification on the changes that were provided by staff specifically about COA 16.B.b. regarding the shared access between this development and the adjacent development. Comm. Simons and staff discussed the issue and the various scenarios. The actual scenario is dependent on when and what happens with the adjacent site in relation to this proposed development.

**Comm. Klein** asked about COA 13.A. regarding bicycle parking requirements. He said it appears that the location of the bicycle parking is on the street and not part of project. Mr. Diekmann said he had not been able to review the final landscaping plan and cannot confirm that everything is exactly as it will be when the building permit is issued. He said the Transportation Planning Division will need to review the final plans, but the guest bicycle parking may very well remain near the street.

**Comm. Sulser** asked about COA 1.E.h. showing that one unit has a deviation of 170 feet from the nearest trash enclosure. He asked what the standard is for distance from the trash enclosures. Staff said the standard is 150 feet.

**Comm. Fussell** commented that at the Study Session one of the trash enclosures was close to an entrance and it was recommended it be moved. He asked staff to address this. Staff showed on the plans that the trash enclosure was moved away from the entrance.

**Chair Hungerford** referred to page 11 of staff report and asked staff about extending a walkway along the eastern property line and that there was a problem related to that due to parking lot shading. Staff showed on a plan map the area in question and said that staff has not required the applicant to extend the walkway on that side as there are only a few units that would be served and would result in a deviation to the parking lot shading.

**Chair Hungerford opened the public hearing.**

**Sean Morley**, applicant, said they have worked for a long time with staff to come up with a project that works for this neighborhood. He commented that this is an ITR (Industrial to Residential) area and this site transforms a couple of obsolete buildings into one of the cornerstones of the neighborhood and addresses both sides of the street. He said they feel this is an appropriate plan for both the long and short term. He commented that it is very tight in balancing density issues with quality of life issues. He thinks this is a good example of balance. The applicant discussed multiple issues that have been considered in preparing this project including linkages of two sites, the zero lot line, parking, openspace, the addition of a barbecue area and pergola, the discussion of a possible community room, and setbacks consistent with the guidelines. He said that they listened carefully at the Study Session and tried to incorporate what was discussed. He requested that if the Planning Commission requests any other changes to the barbecue area that it would be helpful if it were made very clear in recommendations. He addressed the question of reducing the size of some of the units to allow additional space for a Community Room and said it would not work if they were to retain the same amount of units, due to building requirements. He said they have contacted the immediate neighbors and most of the neighbors are comfortable with the project except the Hindu temple contacts have expressed some general concerns about privacy and the 13 units facing their property. He added that Morley Brothers are just one half of the project, and the other partner is John Shank who is with Sobrato Development Companies. He also said it has been a pleasure to work in the Sunnyvale Community and that they appreciate the very professional staff.

**Harriet Rowe**, a Sunnyvale resident, commented about the lack of a Community Room requirement for a 72-unit development. She suggested that the developer could reduce the plan by a unit(s). She said the dues for facility maintenance are minimal and that the Community Room discussed in the report is too small, 500 to 900 square feet, and would only hold 28 people. She commented that the developer is requesting multiple deviations, but is not willing to give the property owners a Community Room and would like to see that it is provided.

**Naranji Patel**, President of the Sunnyvale Hindu Temple and Community Center, has been a neighbor of the proposed site for 11 years. He said they have about five large outside events a year and is concerned about the noise from the

temple being a problem for the 13 units that fall on the boundary line of their property by their parking lot. He said he feels there will be complaints but there is little they can do about car door sounds and people walking to their cars after a service or event. He said they are just about to invest about \$5 million into the property and wants to make sure that the people who purchase the 13 adjacent units are aware of the use that exists next to them. He is a little worried that the new residents will call the police for noise issues.

**Comm. Simons** further asked Mr. Patel about the concern about sound for future residents. After discussion, Comm. Simons commented that the Hindu Temple will be impacted by this development as the noise requirements are more restrictive for residential than the prior industrial use. The Temple would now be located adjacent to residential zoning. Mr. Patel reiterated that he hopes the people who purchase the 13 units nearest them will be advised of the existing Temple and potential for occasional noise.

**Chair Hungerford** confirmed that the Hindu Temple is to the north the proposed property. Ms. Ryan added that the windows at the residents will be rated which should help alleviate some noise. Staff advised the Commission that there is recommendation for a deed declaration on this property.

**Anita Gunsagar** said the Hindu Temple has been at their current site for a long time and would like to be good neighbors. They do not want to have neighbors call the police over noise issues as this would be upsetting as they try to be peaceful and good neighbors. At the same time it will be hard to get everyone to be quiet all the time and there will be a certain amount of noise just from car doors shutting in the parking lot. She agreed with Mr. Patel and would like the new neighbors to be advised of the current use next door to them.

**Mr. Morley** said that they are not opposed to a Community Room. He also said with respect to the temple that they recognize the outside uses that are located on the adjacent to the property. He said he believes that the majority of the year there should be a good interface with the Temple and the residential property.

**Comm. Babcock** said she would like to see a Community Room added, but without reducing the open space. Mr. Morley said that the only way to add the Community Room would be to eliminate an entire unit. Comm. Babcock said the open space is sacred. She asked about the possibility of studies done regarding a sense of community and quality of life by offering a Community Room. John Shank, partner with Sobrato said they have found that Community Rooms, in their rental developments, rarely get used. Comm. Babcock said the property owners will be required to have a Homeowners' Association and asked where the applicant might suggest this Association meet. Mr. Shank said some of their larger properties they have suggested that Community Rooms be shared. He suggested that the Homeowners' Association could possibly go to other nearby

developments and that there may be similar rooms that would work for the Homeowners' Association meetings.

**Chair Hungerford closed the public hearing.**

**Comm. Moylan moved for approval of the project with the COAs as modified by staff. Comm Fussell seconded.**

**Comm. Moylan** said that there is a lot to like about this project. There will be two equivalent projects on either side. He said the problem that he sees with site is that it is not making the 75% the ITR requirement, but it is still a pretty good project.

**Comm. Babcock** said that this is project is nicely laid out, and that the open space is sacred for the quality of life. She would like to see a Community Room added.

**Comm. Simons offered a Friendly Amendment that the sidewalk width would ideally be seven feet and would reduce down to five feet where there is tree intrusion as needed. The width of sidewalk would fluctuate due to the trees. The Friendly Amendment was accepted by the maker and seconder. (Staff notes that this suggestion was previously covered under COA 16.M.)**

**Final Action:**

**Comm. Moylan made a motion on Item 2005-0625 for Alternative 2, to adopt the Mitigated Negative Declaration and approve the Special Development Permit and Tentative Map with modified conditions as indicated in the presentation of the staff report. Comm. Fussell seconded.**

**Motion carried 6-1, Comm. Simons dissenting.**

**This item is appealable to the City Council no later than September 6, 2005.**